REMARKS/ARGUMENTS

In the Office action of December 2, 2005, claims 1-3, 9-11 and 17-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinale et al. US Patent 6825753 in view of Ayala et al. US patent Application 20020024418. In the Office action, Cardinale et al. is characterized as teaching a storage container for rigid control of access by users comprising a housing, a cover (12), a lock incorporated into the cover for locking the cover to the housing, programming means for controlling the lock for defining periods of accessability and inaccessability and a power supply for providing electric power to the programming means. Applicant respectfully traverses the characterization of Cardinale as teaching a storage container of rigid control. Moreover Cardinale lacks programming means incorporated into the cover.

The Examiner's attention is respectfully directed to col. 5, lines 39-44 of Cardinale. As stated therein

> "From the time of engagement of the latching means with its receiving piece, the container may not again be opened (without breaking the container) unless one wishing access to the interior of the container possesses the password, or unless the current date and time set by the user prior to closure matches the target time set by that user"

The use of a password defeats the concept of rigid control because in reality the user can open the container at any time desired by the simple expedient of entering the password.

In contrast, as now fully delineated by the amendments provided to the claims, the present invention is specified as one which has preset unalterable control of access by users. The invention is further defined by providing that it is programmed to control the lock to define spaced intervals of accessibility and to deny access without exception at all other times.

The present invention allows the user to store a supply of some desirable product or item, and to prevent the user or anyone else from accessing that product except during the pre-selected periods of access programmed into the device by the user. Since the user cannot change his or

her mind about how often to access the contents of the device, the user is being conditioned/disciplined to accept the regimen preselected by the user as being optimal for that particular user.

At the point when the user's best intentions are in mind (i.e., when the device is initially programmed and put into use), the device prompts for data input defining and storing multiple periods of accessibility and inaccessibility within a repeating 24-hour cycle. Thereafter, the invention forces the user to adhere to his or her own self-designed limited access/consumption schedule. Thus, the invention provides to the user a way to define a schedule of restricted daily access that matches their desired beneficial consumption pattern.

No password or other feature allows the user to impulsively change his or her mind concerning the pre-selected consumption pattern, and the invention therefore encourages behavior modification by allowing the user regular (but limited) opportunities to succeed, for example, in dietary self-regulation without the associated opportunities to fail. By presenting only brief periods of temptation, the device significantly increases the user's ability to withstand that brief temptation, and thus exercises the user's will power, which in turn beneficially impacts the user's self-image and confidence, which in turn strengthens the user's willpower over time.

The Cardinale box allows unscheduled access through the use of a password.

The abstract Cardinale states that the box unlocks as programmed "or upon entry of a password chosen by the user." With the present invention, once the enclosure is allowed to close, there is no way, under any circumstances, to impulsively re-open the container except according to the schedule defined by the user during the initial programming. Nor is there any way to impulsively change that defined defined schedule. The present invention strictly and durably enforces the user's designed access schedule over time.

The science upon which the present invention relies arises from the common human inclination to be subject to impulsive behaviors; and the common inability of individuals to resist such impulses over time due to the diminishment of the will to self-discipline. This diminishment of "will power" is exacerbated by the repeated need to resist impulsive behaviors. To remedially

modify these behaviors, and to enhance the ability to successfully self-discipline, there must be no moments of temptation except for those that are allowed, limited, defined, and conditioned by the inventor through functions of the current invention.

The Cardinale box does not provide scheduled repetitiveness.

Cardinale provides only for access on a single calendar point, not for a series of programmed intervals that one can continue day-by-day. In contrast, the present invention continues to forever limit accessibility to the contents of the device based on the programming originally created by the user. This schedule is based on hours, days and time without regard for a calendar date. Limiting access just once would not impact the human trait, described in the science supporting the invention, that human "will power" can be favorably strengthened over time through measured, repetitive, and successful exercise, The present invention repeats periods of access indefinitely (e.g., a 20 minute window of opportunity, every day, at noon, during which the invention may be opened one time), never allowing the user to change his/her mind. These user scheduled opportunities are limited and controlled, providing only brief periods of temptation which are easily overcome, Over time, this successful exercising of the "will to self regulate" acts to embed and reinforce the new behavior pattern and to support the user's increasingly positive self image of being "in control".

Cardinale does not teach, as the examiner states; "a lock incorporated into the cover for locking the cover to the housing.". FIG 1 and FIG 2 drawings of Cardinale specifically show the lock (and its mechanisms, power supplies, and controller) being incorporated into a container ("housing") wall that is adjacent to the cover. In both embodiments all active lock components are a part of or mounted in the container ("housing") and are specifically and clearly not a part of the door assembly.

The removable cover of the device of the present invention, in contrast, contains all of the electrical and moving parts. Once the cover is removed, the container portion can more easily be washed, and the lid can be held in hand during programming to more easily manipulate the control interface. This arrangement also allows the user to use a single container in conjunction

with multiple lid assemblies that are pre programmed in advance for different schedules, or a single lid assembly in conjunction with multiple containers.

Cardinale does not provide multiple periods of access, rather it provides for only one event when the container will open. Nothing happens until it is programmed again. In contrast, the present invention allows access only during the repeating "periods of access" defined during programming. If the device is actually opened during a period of access, it automatically and immediately re-locks when the lid opens. When the lid is allowed to close, the period of access is ended and the lid will open again only during the next pre-programmed period of access. If, on the other hand, the user does not open the device during the pre-programmed period of access, the period of access expires, without the device ever becoming unlocked, and it will remain locked until the next pre-programmed access period.

Cardinale cannot lock automatically after access to the contents once the calendar date arrives. Once the date has arrived, a new one has to be chosen, which requires re-programming. It cannot "automatically" lock in such a way that it will automatically unlock ever again. For the same reasons, Cardinale cannot allow the user to define the duration of a period of accessibility — the device simply becomes unlocked, and stays unlocked.

The present invention, in contrast, allows the user to select multiple periods of access, of selected durations, which expire automatically, leaving the device locked even after the pre programmed access time has arrived.

Ayala is cited as evidencing the obviousness of a lock's behavior of automatically resetting to the locked state upon closure. The Ayala patent teaches a method of securely sending data to a lock controller. Ayala is directed to conventional latching or locking arrangements such as are found on cabinets, doorways and other framed structures. A particular application is vending machines utilizing a key operated lock, in short, a totally conventional latching environment.
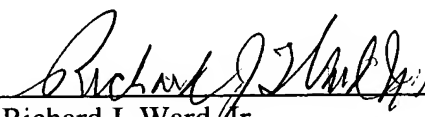
In contrast, the present invention senses the opening of the cover and then returns the bolts to the locked position as soon as the door is even partially opened. In the present invention

there is no way to keep the bolts in the open position after the cover is opened. Any lock arrangement that controls bolts with a key, and that does not disengage that control when the associated cover is even fractionally opened, does not perform the same function as the present invention.

In view of the foregoing amendments and arguments, it is submitted that all claims in the application are allowable as now presented. An indication to that effect is solicited.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By _____
Richard J. Ward Jr.
Reg. No. 24,187
626/795-9900

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